



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

JSR  
Docket No. 9450-08  
8 October 2008

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: [REDACTED]  
REVIEW OF NAVAL RECORD

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 8 Apr 08  
(2) HQMC MMER/PERB memo dtd 3 Sep 08  
(3) HQMC MIO memo dtd 5 Aug 08 w/enclosures  
(4) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected by modifying the fitness report for 4 May to 26 August 2005 by removing the mark from section A, item 5.a ("Adverse"), removing from section I (reporting senior (RS)'s "Directed and Additional Comments") "Sect A, Item 5a: This report is adverse due to the MRO [Marine reported on] 1st assignment to the BCP [Body Composition Program].", removing section J.2 (Petitioner's indication that he had attached a statement), removing from section K.4 (reviewing officer's comments) "There are no disparities between MRO's addendum page and facts reported by RS.", removing section L (indicating addendum pages attached) and removing both addendum pages. He further requested completely removing the fitness report for 27 August 2005 to 26 February 2006. As indicated in enclosure (2), the Headquarters Marine Corps (HQMC) Performance Evaluation Review Board has directed all the requested corrections of Petitioner's fitness report record. Petitioner also requested removing the service record page 11 ("Administrative Remarks (1070)") entry dated 23 August 2005, a copy of which is at Tab A. Finally, he requested removing, from the Marine Corps Total Force System (MCTFS), the entry reflecting his assignment to the BCP from 23 August 2005 to 23 February 2006.

2. The Board, consisting of Ms. Prevatt and and Messrs. Bourgeois and Mann, reviewed Petitioner's allegations of error

and injustice on 8 October 2008, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. The page 11 on which the contested entry appears also includes uncontested entries.

c. In correspondence attached as enclosure (3), the HQMC office having cognizance over the subject matter concerned has commented to the effect that Petitioner's requests to remove the page 11 entry and the MCTFS BCP entry have merit and warrant favorable action.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (3), the Board finds the existence of an error and injustice warranting the following corrective action.

#### RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing the service record page 11 ("Administrative Remarks (1070)") entry dated 23 August 2005. This is to be accomplished by reconstructing the page 11 on which the entry appears, or completely obliterating the entry so it cannot be read, rather than merely lining through the entry.

b. That his record be corrected further by removing from MCTFS the entry reflecting his assignment to the BCP from 23 August 2005 to 23 February 2006.

c. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or

completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

d. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

  
JONATHAN S. RUSKIN  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

  
for W. DEAN PFEIFFER  
Executive Director